



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 03-4076
December 24, 2003

**PLEADING CYCLE ESTABLISHED FOR
AT&T'S PETITION FOR FORBEARANCE FROM ENFORCEMENT
OF "DEEMED LAWFUL" PROVISION OF SECTION 204(a)(3) OF THE ACT**

WC Docket No. 03-256

COMMENTS: January 30, 2004

REPLY COMMENTS: February 16, 2004

On December 3, 2003, AT&T Corp. (AT&T) filed a petition for forbearance, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act), requesting that the Commission "forbear from enforcing Section 204(a)(3)" of the Act, "which provides that certain 'streamlined' local exchange carrier ('LEC') access tariff filings are 'deemed lawful,' insofar as that provision of the statute precludes customers from seeking reparations through the complaint process under Sections 206-208 of the Act."¹

Interested parties may file comments on or before **January 30, 2004** and reply comments on or before **February 16, 2004**. All such filings should refer to **WC Docket No. 03-256**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the words "get form" in the body of the message. A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

¹ AT&T Petition for Forbearance at 1 (filed December 3, 2003) (AT&T Petition) (citing 47 U.S.C. §§ 160(c), 204(a)(3), 206-208).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail and the Commission advises that electronic media NOT be sent through the U.S. Postal Service).

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Two (2) copies of the comments and reply comments should also be sent to Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A221, Washington, D.C. 20554. Parties shall also serve one copy with Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 863-2893, or via email to [<qualexint@aol.com>](mailto:qualexint@aol.com).

Documents in WC Docket No. 03-256, including the AT&T Petition, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from Qualex International, telephone (202) 863-2893, facsimile (202) 863-2898.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two- sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

For further information, contact Margaret Dailey, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.

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